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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,779	03/23/2004	John Gerard Speare	223566	2381
38887	7590	09/01/2004	EXAMINER	
LEYDIG, VOIT & MAYER, LTD. TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON CHICAGO, IL 60601-6780			ZHEN, WEI Y	
		ART UNIT		PAPER NUMBER
				2122

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/806,779	SPEARE ET AL. <i>JKB</i>
<b>Examiner</b>	<b>Art Unit</b>	
Wei Y Zhen	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 March 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-27 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 23 March 2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is in response to the application filed on 3/23/2004.
2. Claims 1-27 are pending.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, 8-11, 13-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Donohue, U.S. Patent No. 6,202,207.

As per claim 1, Donohue discloses

accepting the piece of data (col. 4 lines 50-54);

determining whether the piece of data is subject to the persisted policy scheme (col. 5 lines 36-52);

replacing a portion of the piece of data with an indicating piece of data (col. 5 lines 53-62).

As per claim 3, Donohue discloses determining and replacing are performed on a scheduled interval (col. 4 lines 40-44 and col. 6 lines 50-59).

As per claim 4, Donohue discloses determining and replacing are performed on an ad-hoc basis (col. 4 lines 40-44 and col. 6 lines 50-59).

Claim 5 is rejected for the reason set forth in the rejection of claim 1.

Claim 6 is rejected for the reason set forth in the rejection of claim 1.

Claim 8 is rejected for the reason set forth in the rejection of claim 3.

Claim 9 is rejected for the reason set forth in the rejection of claim 4.

Claim 10 is rejected for the reason set forth in the rejection of claim 6.

Claim 11 is rejected for the reason set forth in the rejection of claim 1.

Claim 13 is rejected for the reason set forth in the rejection of claim 3.

Claim 14 is rejected for the reason set forth in the rejection of claim 4.

Claim 15 is rejected for the reason set forth in the rejection of claim 11.

Claim 16 is rejected for the reason set forth in the rejection of claim 1.

Claim 17 is rejected for the reason set forth in the rejection of claim 3.

Claim 18 is rejected for the reason set forth in the rejection of claim 4.

Claim 19 is rejected for the reason set forth in the rejection of claim 16.

Claim 20 is rejected for the reason set forth in the rejection of claim 6.

Claim 21 is rejected for the reason set forth in the rejection of claim 3.

Claim 22 is rejected for the reason set forth in the rejection of claim 4.

Claim 23 is rejected for the reason set forth in the rejection of claim 6.

Claim 24 is rejected for the reason set forth in the rejection of claim 11.

Claim 25 is rejected for the reason set forth in the rejection of claim 3.

Claim 26 is rejected for the reason set forth in the rejection of claim 4.

Claim 27 is rejected for the reason set forth in the rejection of claim 11.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue, U.S. Patent No. 6,202,207.

As per claim 2, Donohue does not explicitly disclose the piece of data is an electronic mail. Official Notice is taken that electronic mail was well known in the art at the time the invention was made. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching of the well known knowledge into the teaching of Donohue to have the piece of data be an electronic mail because one would want to replace/update various types of software/data automatically and efficiently as taught by Donohue.

Claim 7 is rejected for the reason set forth in the rejection of claim 2.

Claim 12 is rejected for the reason set forth in the rejection of claim 2.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y Zhen whose telephone number is (703) 305-0437. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wei Zhen  
Primary Examiner  
8/31/2004

  
WEI Y. ZHEN  
PRIMARY EXAMINER